

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WENDELL H. STONE COMPANY, INC.

*individually and on behalf of all others*

*similarly situated doing business as*

STONE & COMPANY,

18cv1135

ELECTRONICALLY FILED

Plaintiff,

v.

PC SHIELD INC. *an Oklahoma corporation,*

and BRANDIE M. JORDAN, *an individual,*

Defendants.

**ORDER OF COURT**

By Memorandum Order dated December 4, 2019, this Court granted Plaintiff Wendell H. Stone Company, Inc.'s Renewed Motion for Class Certification, and ordered that the following class is certified:

All persons who (1) on or after four years prior to the filing of this action, (2) were sent, by Defendants or on Defendants' behalf an unsolicited telephone facsimile message substantially similar to Exhibit A attached to Amended Complaint, (3) from whom Defendants claim they obtained prior express permission or invitation to send those faxes in the same manner as Defendants claim they obtained prior express consent to fax Plaintiff.

(Doc. 40, at 12). The Court further appointed Attorney Patrick H. Peluso as class counsel and Plaintiff as class representative, and ordered Plaintiff to personally serve Defendants, PC Shield Inc. and Brandie M. Jordan, neither which has filed an answer, or otherwise responded, in this matter,<sup>1</sup> with a copy of the Memorandum Order granting Plaintiff's Renewed Motion for Class Certification. (*Id.*, at 12).

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<sup>1</sup> The Court denied without prejudice, Plaintiff's Renewed Motion for Default Judgment (Doc. 38), which requested default judgment be entered against Defendants with respect to Plaintiff and a class of similarly situated individuals, with direction that Plaintiff may re-file said motion after notice has been given to class members and the opt-out period has closed. (Doc. 41, at 1).

On December 20, 2020, Plaintiff filed Affidavits with the Court, declaring it had served on Defendants both the Court's Memorandum Order on Plaintiff's Renewed Motion for Class Certification, and its Memorandum Order on Plaintiff's Renewed Motion for Default Judgment. (Doc. 42, Doc. 43).

To date, Plaintiff has not submitted to the Court, by way of a motion or otherwise, a proposed Notice to all class members (as defined above) of the certified class action lawsuit.

Plaintiff is Ordered to file, with the Court, a proposed Notice to all class members (as defined above) of the certified class action, and a plan to provide said Notice, no later than March 3, 2020.

SO ORDERED, this 20th day of February, 2020,

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All counsel of record